

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Kevin Alexander, #322054,)	C/A NO. 5:12-206-CMC-KDW
)	
Petitioner,)	
)	OPINION and ORDER
v.)	
)	
Warden, Evans Correctional Institution,)	
)	
Respondent.)	
_____)	

This matter is before the court¹ on Petitioner's motion for voluntary dismissal. ECF No. 14 (filed Feb. 27, 2012). Respondent has filed opposition to Petitioner's motion, noting that dismissal of this petition is fraught with potential prejudice to Petitioner. ECF No. 19 (filed Mar. 15, 2012). In response to Respondent's Return and Motion for Summary Judgment (which was filed after Petitioner's motion for voluntary dismissal), Petitioner has again specifically moved to dismiss the petition under Federal Rule of Civil Procedure 41(a). ECF No. 21 (filed Apr. 3, 2012).

Despite being given specific knowledge and warning via Respondent's opposition to his dismissal motion that dismissal of this petition may significantly prejudice his ability to have a future petition for writ of habeas corpus considered on the merits in this court, Petitioner specifically moves for dismissal of this petition under Federal Rule of Civil Procedure 41(a).

Therefore, the undersigned grants Petitioner's motion and dismisses the petition without prejudice.

¹Petitions for writ of habeas corpus are, pursuant to the Local Rules of this Court, referred to a Magistrate Judge of this District for pretrial proceedings. *See* Local Civil Rule 73.02 (B)(2)(c), DSC. However, in the interest of time, the undersigned withdraws the reference and proceeds to address Petitioner's motion without the aid of a Report and Recommendation.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
April 19, 2012